UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,779	10/27/2000	Peter Michael Gits	2705-137	7155

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

The Preliminary Amendment was received on August 7, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on June 10, 2003 was

considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Theimer (5493692).

Regarding claim 1, Theimer discloses a message-processing agent (Column 4,

lines 27 - 29) operable in a Scalable Infrastructure system (Column 5, lines 27 - 28), the

message-processing agent comprising: a receiver designed to receive an object from a

space in the Scalable Infrastructure system (Column 24, lines 61 - 67); a default routing

identifying a destination for the object (Column 25, lines 1 – 6); and a routing module

designed to route the object to the destination (Column 25, lines 1 – 12 and Figure 17,

elements 422 and 424).

Regarding claim 12, Theimer discloses that the message-processing agent

further comprising a registration entry for a user (Column 26, lines 49 - 51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 3, 4, 5, 6, 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27,

28, 29, 31, 32, 33, 34, 35, 36, 37, and 38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Theimer in view of Wolff (5327486).

Regarding claim 2, Theimer discloses a user preference setting (Column 9, lines

42 – 47 and lines 60 - 64) but does not explicitly indicate a second destination for the

object. Wolff teaches a messaging system, which includes a personal preferences

setting (Column 3, lines 51 – 55) that indicates a second destination for the object

(Column 3, lines 64 – 66). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to use Wolff's teaching of using a personal profile to

find a secondary destination in Matthew's messaging system in order to help callers

locate the individual they are trying to call and to allow the user to deal with the caller

appropriately (Column 2, lines 15 – 21 and Column 1, lines 47 – 55).

Regarding claim 3, as part of Theimer's messaging system combined with Wolff's

teaching, Wolff discloses that the second destination can be identical to the destination

because if the caller is always attempting to get to the telephone of the user and the first

destination after consulting the user's preferences is usually the normal wireline phone

(Column 3, lines 61 – 68).

Regarding claim 4, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the second destination can be different from the destination (Column 3, lines 64 – 66).

Regarding claim 5, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the user preference setting includes a plurality of distinct destinations for the object (Column 4, line 54 – Column 5, line 6).

Regarding claim 6, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to route the object sequentially to each distinct destination for the object until the object is received at a first destination (Column 2, lines 5 – 14).

Regarding claim 7, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to place a second object in the space for a sequence agent to sequentially route the object to each distinct destination for the object until the object is received at the first destination (Column 2, lines 5 – 14).

Regarding claim 10, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the second destination includes routing instructions based on the source of the object (Column 2, lines 6 – 9).

Regarding claim 11, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that the first destination includes a telephone (Column 3, line 66 – 68).

Regarding claims 13, 22, and 31, as part of Theimer's messaging system combined with Wolff's teaching, Theimer in view of Wolff discloses a method for using a message-processing agent to process an object (Theimer, Column 4, lines 27 - 29) in a space in a Scalable Infrastructure system (Theimer, Column 5, lines 27 - 28), the method comprising: receiving an object (Theimer, Column 24, lines 61 - 67); accessing a preference setting (Theimer Column 25, lines 1 – 12 and Figure 17, elements 422 and 424, where the user agent contains the personal perference); and routing the object according to the preference setting (Wolff, Column 3, lines 64 – 66).

Regarding claims 14, 23, and 32, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses receiving an object includes receiving notice of the object from the space in the Scalable Infrastructure system (Where the receiving notice goes to a palm top computer, Column 4, lines 7 – 10).

Regarding claims 15, 24, and 33, as part of Theimer's messaging system combined with Wolff's teaching, Theimer discloses that accessing a preference setting includes selecting a preference setting according to an ultimate recipient of the object (Theimer Column 25, lines 1 – 12 and Figure 17, elements 422 and 424, where the user agent contains the personal perference).

Regarding claims 16, 25, and 34, as part of Theimer's messaging system combined with Wolff's teaching, Theimer discloses that selecting a preference setting includes selecting a user preference setting according to the ultimate recipient if the user preference setting exists (Column 25, lines 1 – 12 and Figure 17, elements 422

and 424, where the user agent contains the personal preference and is found in the name space (Column 7, lines 35 - 41).

Regarding claims 17, 26, and 35, as part of Theimer's messaging system combined with Wolff's teaching, Theimer discloses that selecting a user preference setting includes checking to see if the ultimate recipient of the object is registered with the Scalable Infrastructure system (Column 7, lines 35 - 41).

Regarding claims 18, 27, and 36, as part of Theimer's messaging system combined with Wolff's teaching, Theimer discloses that selecting a preference setting includes selecting a default routing according to the ultimate recipient if no user preference setting exists (Column 10, lines 51 - 54).

Regarding claim 19, 28, and 37, as part of Theimer's messaging system combined with Wolff's teaching, Theimer discloses that routing the object includes sending the object to a destination (Column 25, lines 1 – 12 and Figure 17, elements 422 and 424).

Regarding claims 20, 29, and 38, as part of Theimer's messaging system combined with Wolff's teaching, Wolff discloses that routing the object includes: determining at least two destinations for the object; and placing a sequence object in the space in the Scalable Infrastructure system for a sequence agent to sequentially route the object to each destination for the object until the object is received (Column 2, lines 5 – 14).

Claims 8, 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer in view of Wolff as applied to claims 2, 3, 4, 5, 6, 7, 13,

14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, and

38 above, and further in view of Wagner (6,092,102).

Regarding claim 8, Theimer in view of Wolff does not explicitly mention that the

message-processing agent is designed to broadcast the object to each distinct

destination for the object until the object is received at a first destination. Wagner

teaches a messaging system and a message-processing agent (Column 6, lines 10 –

15) that designed to broadcast the object to each distinct destination (Column 6, lines

39 – 47) for the object until the object is received at a first destination (Column 14, lines

39 – 46). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Wagner's teaching of message broadcasting on Theimer's

messaging system to be able to notify a user at important event across many

communication mediums (Column 3, lines 32 – 35).

Regarding claim 9, Theimer's in view of Wolff in further view of Wagner includes

the message-processing agent is designed to place a second object (Column 4, line 1 –

5, Wagner) in the space for a broadcast agent to broadcast the object to each distinct

destination for the object (Column 6, lines 39 – 47, Wagner) until the object is received

at the first destination (Column 3, lines 32 – 35, Wagner).

Regarding claims 21, 30, and 39, Theimer's in view of Wolff in further view of

Wagner includes: determining at least two destinations for the object (Theimer, Column

25, lines 1 – 12 and Figure 17, elements 422 and 424); and placing a broadcast object

in the space in the Scalable Infrastructure system for a broadcast agent to broadcast

the object to each destination for the object (Column 6, lines 39 – 47, Wagner) until the object is received (Column 3, lines 32 – 35, Wagner).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6,353,661 issued to Bailey.

U. S. Patent No. 6,091,948 issued to Carr.

U. S. Patent No. 5,905,789 issued to Will.

U. S. Patent No. 5,742,905 issued to Pepe

U. S. Patent No. 5,432,839 issued to DeLuca.

U. S. Patent No. 5524137 issued to Rhee.

U. S. Patent No. 6091811 issued to Change.

U. S. Patent No. 4585906 issued to Matthews.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Art Unit: 2155

KB
November 10, 2003

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER